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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,234

09/08/2003

Josephus A.E.P. van Engelen

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06/27/2008

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/656,234	Applicant(s) VAN ENGELEN ET AL.	
	Examiner TAMMARA R. PEYTON	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/20/05, 5/3/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Oprescu et al. (US 5,559,967) and Applicant's Admission of Prior Art.

At the outset, Applicant is reminded that claims subject to examination will be given their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). With this in mind, the discussion will focus on how the terms and relationships between the terms in the claims are met by the references.

As per claims 1, 3-10, and 12-18, Oprescu teaches a system for determining data speed and connectivity between first and second Beta signal systems in serial data interface devices, comprising:
means for generating a tone pattern signal; (see figure 19 and column 4 lines 7-11)
means for selecting the tone pattern signal or a data input

signal; (see figure 19, transceiver 14 and column 17 lines 2- 12, wherein the transceiver is coupling to the pins of buses 40, 41 and it is comply with differential and common mode); means for serializing the tone pattern signal or the data input signal; (see figure 19, transceiver 16 and column 17, lines 2-12, wherein the transceiver is coupling to the pins of buses 40, 41 and it is comply with differential and common mode) means for clocking the means for selecting and the means for serializing; and means for transmitting one of the serialized tone pattern signal or the serialized data input signal to the second Beta signal system. (see figures 3A,-3B, 4, 13, 19).

However, Oprescu teaches does clearly teach wherein the system further comprises one of a Beta port or a Bilingual port, wherein the tone pattern generator, the selecting device, the serializing device, the clock device, and the driver are positioned in the Beta port or the Bilingual port. Nonetheless, AAPA teaches the common use of bilingual modes within a single port, the IEEE 1394-1995/1394a-2000 (a data-strobe standard, [0002-0006]) and IEEE 1394b-2002 standards (a Beta and serializer-deserializer standard, as evidenced by AAPA, [0028]) Therein, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined AAPA's teachings of bilingual modes within a single port with the teachings of Oprescu because doing so would increase the compatibility among devices that comply with the IEEE 1394-1995/1394a-2000 and IEEE 1394b-2002 standards.

As per claim 2, Oprescu-AAPA teaches wherein the tone pattern signal

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comprises a continuous sequence of HIGH and LOW signals at a predetermined rate, such that the tone pattern signal represents a signal between approximately 49MHz and approximately 62MHz.

As per claim 11, Oprescu-AAPA teaches wherein the clock device comprises a clock divider device that converts a high speed input clock signal to a low speed output clock signal. (AAPA, [0002-0029])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272- 6729. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

/Tammara R Peyton/

Primary Examiner, Art Unit 2182

June 17, 2008